

STAFF REPORT



Meeting: December 15, 2014

To: Planning Commission

From: Patrick B. Howard, AICP
Director

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Staff Planner: Jeff Fisher
Planner

Case: SU14-06

Request: Special Use to allow residential treatment to any persons on parole from federal, state, or county jails or prisons in an existing Alcohol and Drug Recovery Facility, as defined in Section 419.7 of the Zoning Ordinance, in a General Commercial (CG) Zone District on the following property:

Location: 3553 West Houston Harte Expressway, located approximately 470 feet northeast of the intersection of TLC Way and Glenna Street in western San Angelo.

Legal Description: Houston-Harte Commercial Park, Section 2, Block 2, Lot 5A

Acreage: 3.5 acres

General Information

Future Land Use: Neighborhood Center

Zoning: General Commercial (CG)

Existing Land Use: Vacant

Surrounding Zoning / Land Use:

North:	General Commercial/Heavy Commercial (CG/CH)	Stripes Gas, Rankin Transmission, Kiser Carpet, Fashion Cleaners
West:	General Commercial/Heavy Commercial (CG/CH)	Rhino Truck Linings, Orig-Equip Car and Truck Accessories
South:	General Commercial/Heavy Commercial (CG/CH)	San Angelo Fire Station, H & E Building & Management Corporation, TLC Academy Elementary School
East:	General Commercial/Heavy Commercial (CG/CH)	Vacant Land

District: CMD #5: Elizabeth Grindstaff

Neighborhood: Bluffs

Thoroughfares/Streets: The subject property has frontage onto TLC Way and the West Houston Harte Expressway Frontage Road. As per the Major Thoroughfare Plan (MTP), TLC Way is a “local street” designed to carry light neighborhood traffic at low speeds. It has an existing right-of-way width of 50 feet and a pavement width of 40 feet which meets the requirements of the MTP. The West Houston Harte Expressway Frontage Road is maintained by the Texas Department of Transportation (TxDot) and is not part of the City’s Major Thoroughfare Plan (MTP). It has a right-of-way of over 50 feet and an existing pavement width of 36 feet which would meet City standards as a local road.

Recommendation:

The Planning Division recommends **APPROVAL** of the proposed Special Use, **subject to three (3) Conditions of Approval.**

History and Background:

In late October 2014, Planning Staff were approached by the applicant, the Alcohol & Drug Abuse Council for the Concho Valley (ADACCV), a private, non-profit agency, about an expansion to their existing facility at 3553 West Houston Harte Expressway, which includes administrative offices, substance abuse treatment, prevention, and out-patient services. The applicant indicated the facility has been operating here since 1999 and its existing building is 7,510 square feet in size. The Permits Division confirms that a building permit was issued in 1999 for the ADACCV facility. The existing building does not have a residential component; clients are treated during the day and then leave the facility by the end of the business day. ADACCV is now proposing a 20,048-square foot expansion for residential living, detoxification, and treatment. The expansion will include accommodations for up to 60 residents: 30 males, 18 females, and 12 detoxification clients which could be either male or female. The applicant stated there may be some children staying with their mothers in the female bedrooms, but this number will vary at any given time. In addition to the residential and detoxification rooms, the expansion will also include a recreation room, living room, kitchen, and an outdoor children's' play area.

The property is zoned General Commercial (CG) which allows for a Recovery Facility for Alcohol and Drugs subject to meeting the specific use standards of Section 419 of the Zoning Ordinance which are as follows:

Sec. 419. Recovery Facility, Alcohol and Drug

Drug and alcohol recovery facilities shall be subject to the following standards.

1. The facility shall meet all building, housing, and fire codes of the City.
2. The facility shall have adequate off-street parking space for every vehicle possessed or utilized by occupants of the building. Such parking spaces must meet all applicable standards of the City.
3. The facility shall be compatible with the neighborhood and shall not create undue density and congestion.

4. The boundary line of any lot or tract of land occupied by such facilities shall be located no less than 300 feet (measured in a straight line between nearest boundaries) from each of the following:
 - a. Any lot or tract of land occupied by a public or private school offering a curriculum equivalent to an elementary or secondary school;
 - b. Any lot or tract of land located within an R&E, RS-1, RS-2, RS-3 or MHS District.
5. Appropriate licenses and/or certifications from any federal or state agency shall be acquired and kept current.
6. Professional staff must be on the premises at all times. Professional staff shall be defined as an individual with experience, training or knowledge in the appropriate rehabilitative field.
7. No residential treatment shall be provided to any persons on parole from federal, state or county jails or prisons.
8. If deemed necessary by the Chief of Police, additional security lighting shall be provided.

The proposed expansion will comply with all of the above provisions except for 419(4) and 419(7) of the Zoning Ordinance. In 2014, the Texas Leadership Charter Academy (TLCA) opened a new Kindergarten-Grade 6 elementary school in an existing building immediately south of the subject property at 3301 TLC Way. The distance between the nearest property lines of the ADACCV property and the TLCA property is 50 feet, less than the 300 feet required per the Zoning Ordinance. Any expansion to this facility will require a Variance. Planning Staff communicated this to the applicant and the applicant submitted a Variance Application on November 3, 2014, to reduce the 300 foot setback (ZBA14-42), which is on hold pending the result of this Special Use application.

After discussions with the applicant, Planning Staff were told that some of the residents in the new facility may be parolees from federal, state, or county jails or prisons, which would not be permitted under Section 419(7) of the Zoning Ordinance. Although there are parolees that use the day services in the existing building, which is allowed, they do not stay overnight. Staff indicated the

applicant may apply for a Special Use Application which would allow parolees to stay overnight on the premises. The applicant subsequently submitted this application for a Special Use, SU14-06.

The purpose of this application is for the Planning Commission to decide whether to recommend approval of a Special Use for parolees. The proposed expansion complies with the Zoning Ordinance in all other respects, except for the 300-foot setback from the school which will go to the Zoning Board of Adjustment for a Variance subject to the outcome of this application. The Planning Commission also has the jurisdiction to propose conditions under Section 209H of the Zoning Ordinance including, but not limited to, "limitations on size, bulk and location, provision of adequate ingress and egress, duration of special use approval, and hours of operation for the special use so allowed."

Planning Staff circulated a copy of the Site Concept to the Police Department for comments on the proposal and on any additional security lighting which may be required under Section 419(8).

In an e-mail dated December 1, 2014, Chief Vasquez mentioned his department had no concerns regarding the proposal and forwarded the site concept plan to his officer, Zach Upton, for review for lighting requirements. In an e-mail dated December 8, 2014, Officer Upton indicated that security lighting will be required for each exterior door either above the door or from the parking lot within 30 feet, as well as the outdoor kids play area and the parking lot between the facility and the school across the road. He agreed with Planning Staff that the final lighting details can be approved by the Police Department as a Condition of Approval, allowing the Special Use application to move forward and be considered by City Council while the Police Department works with the architect. Some preliminary LED lighting samples have been provided as an attachment to this staff report.

ADACCV indicated they had consulted with the TLCA School Board representing the TLCA school across the street, and that TLCA was in process of presenting the proposal to their Parents Group prior to giving official support of the application. Planning Staff has not received further feedback at the time of the submittal this staff report.

At final build-out, the total floor area would be 27,558 square feet and will require an Urban Design Review as required by Section 204 of the Zoning Ordinance. Lighting, landscaping, and architectural reviews will take place at this time to assure that the ultimate development of the site meets all mandated Conditions of Approval and Code requirements.

Analysis:

Section 209(H) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Special Use request.

1. **Impacts Minimized.** *Whether and the extent to which the site plan minimizes adverse affects, including adverse visual impacts, on adjacent properties.*

There would be not appear to be any impacts on the surrounding area by the granting of this Special Use to allow paroles to stay overnight on the property. ADACCV has already provided treatment to parolees as well as other at-risk clients on the property since they opened in 1999. This application would only allow them to remain on the premises in residential accommodations being looked after by professionally-trained staff. The proposed expansion as shown on the site concept plan would appear to provide a minimal impact on the surrounding area. All of the residential, detoxification, and treatment rooms would be entirely indoors and not visible from the outside. The outdoor children's area and courtyard would be fenced, and the plan also delineates parking, landscaping, and direct access into the existing building.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

The proposed Special Use to allow parolees to stay overnight on the premises does not appear to contradict any other part of the Zoning Ordinance except for Section 419 (7) which prohibits residential treatment for parolees. Planning Staff was unable to find any State or Federal law that would restrict parolees from being housed in a residential facility, and previous Zoning Ordinances for the City of San Angelo in 1965 and in 1987 allowed "homes for alcoholics" via a Special Permit if approved by the applicable body, in this case, the Planning Commission and City Council. There was no stipulation in the earlier Ordinances that prohibited parolees from staying overnight in these homes. This provision was only found in the most recent Zoning Ordinance which was approved in 2000 and Staff was unable to find any documentation as to why this provision was added.

The proposed expansion would be located near the south of the property facing TLC Way. It would be setback approximately 35 feet from the property line at TLC Way, exceeding the minimum required 25-foot front yard setback. Planning Staff has used the parking standard for "convalescent homes" in Section 511.B. of the Zoning Ordinance, and calculated parking compliance based on the maximum number of employees and patients (clients) that will be on the site at any one time. ADACCV stated that after the expansion, there will be a maximum of 60 client beds and a maximum of 36 employees on the site at any given time. It is assumed that each employee will drive their own vehicle, and thus Staff will

use the same standard as a “staff doctor” which requires 1 space/staff doctor, for a total of 36 spaces. Convalescent homes require 1 space/4 beds, and for 15 beds there would be a total of 51 required parking spaces. The existing site has 38 spaces and the site concept plan for the expansion shows an additional 32 spaces, for an overall total of 70 spaces. Therefore, the proposed parking layout appears to comply with the Zoning Ordinance.

- 3. Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

As stated previously, this facility has existed since 1999, and the expansion seeks to add a residential component to its current operations. Of the maximum residents that would reside there, ADACCV stated they do not expect more than 3 parolees to reside at the facility at any given time, which is less than 5% of the total occupancy. Therefore, the proposal does not appear to be incompatible with the surrounding area. It is noted again the only reason this Special Use application is before the Planning Commission is because of a few parolees that may reside here. The use itself – the alcohol and drug recovery facility – is already a permitted use in the CG zone.

- 4. Traffic Circulation.** *Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.*

The subject property has frontage onto the West Houston Harte Expressway Frontage Road which connects directly to the Houston Harte Expressway. A second access from TLC Way would also be provided. ADACCV stated that the residents would generally be driving while at the facility. Given that both access points are close to the Houston Harte Expressway, there does not appear to be any negative traffic issues associated with this development.

- 5. Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

Effects on the natural environment appear to be minimal. Any issues pertaining to grading, drainage, and stormwater would be addressed through the building permit process.

- 6. Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

ADACCV stated they provide services to thousands of at-risk youth and adults each year and have been providing these services at this site since 1999. The residential component would expand their operation and be able to accommodate more clients and provide them with a full treatment residential facility. Allowing parolees to stay overnight would also give them additional support and assist them in recovery and being integrated back into the community.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

As stated previously, this is an existing treatment facility. The proposed expansion would blend with the existing facility and surrounding area and would be a continuation of a variety of institutional uses including the nearby school and fire station.

Notification:

On November 26, 2014, 8 notifications were mailed out to residences within a 200-foot radius of the subject site. As of December 10, 2014, there were 0 responses in favor and 0 responses in opposition of the request.

Action Requested:

The action requested is for the Planning Commission to recommend **APPROVAL** of Case SU14-06, **subject to the following three (3) Conditions of Approval:**

Proposed Conditions:

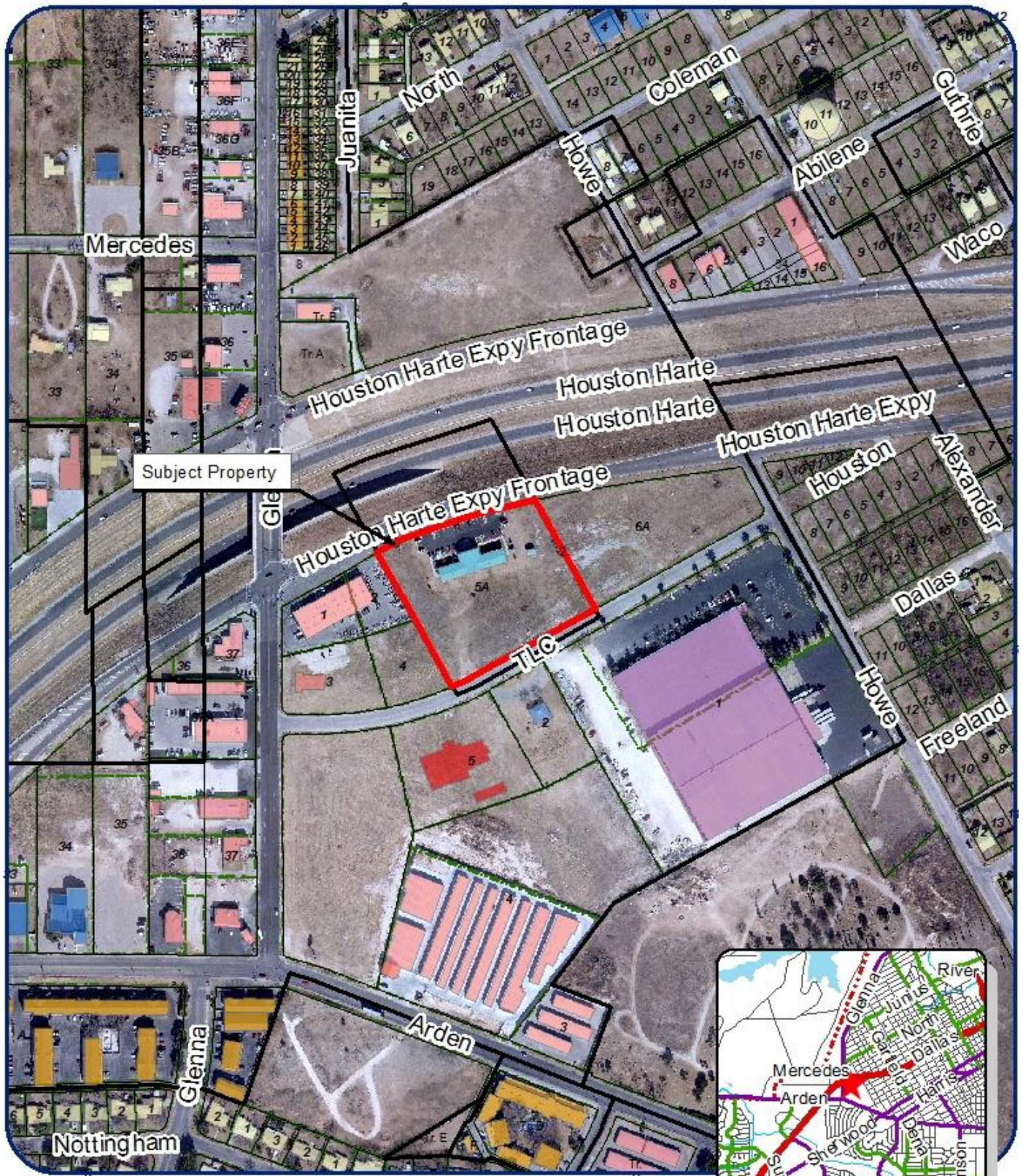
1. Additional security lighting shall be submitted to the San Angelo Police Department for their review and approval, as required by Section 419(8) of the Zoning Ordinance.
2. The applicant shall successfully obtain a Variance from Section 419(4) of the Zoning Ordinance to allow a setback of less than 300 feet from the southerly property line of the subject property, to the northerly property line of the TLCA School located at 3301 TLC Way.
3. The applicant shall obtain an Urban Design Review approval from the Planning Division for the proposed expansion, as required by Section 204 of the Zoning Ordinance.

Note:

1. The facility shall comply in all other respects with Section 419 of the Zoning Ordinance for Alcohol and Drug Recovery Facilities, prior to final occupancy.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Map
Notification Map
Photos of Site and Surrounding Area
Site Concept Plan
Proposed Expansion Summary
Preliminary Lighting Samples
Special Use Application



Special Use Case File

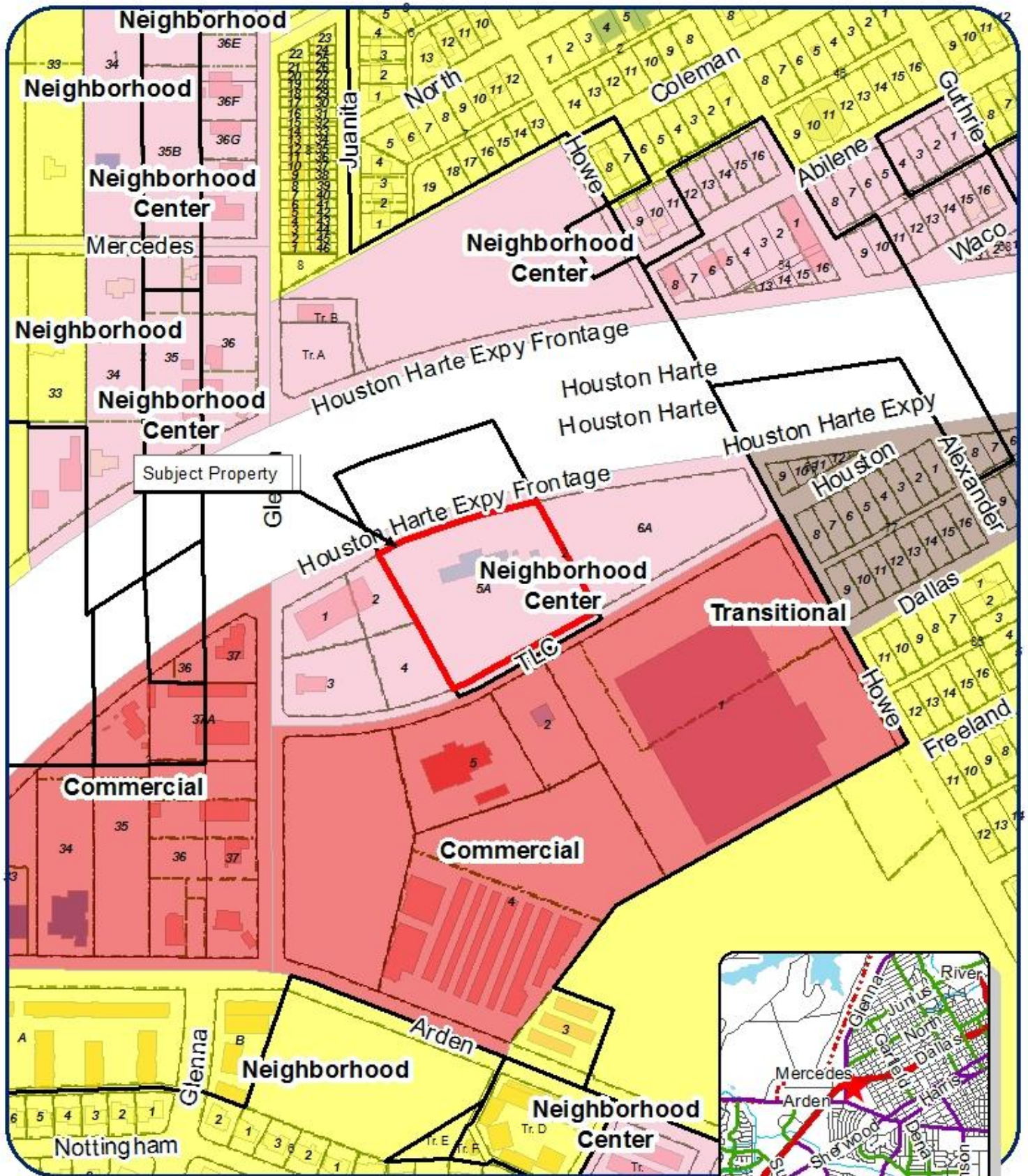
Case SU14-06

Council District: Elizabeth Grindstaff (CMD #5)
 Neighborhood: Bluffs
 Scale: 1" approx. = 325 ft
 Subject Property: 3553 Houston Harte Expressway

Legend

- Subject Properties: —
- Current Zoning: CG
- Requested Zoning Change: CG with Special Use
- Vision: Neighborhood Center





Special Use Case File

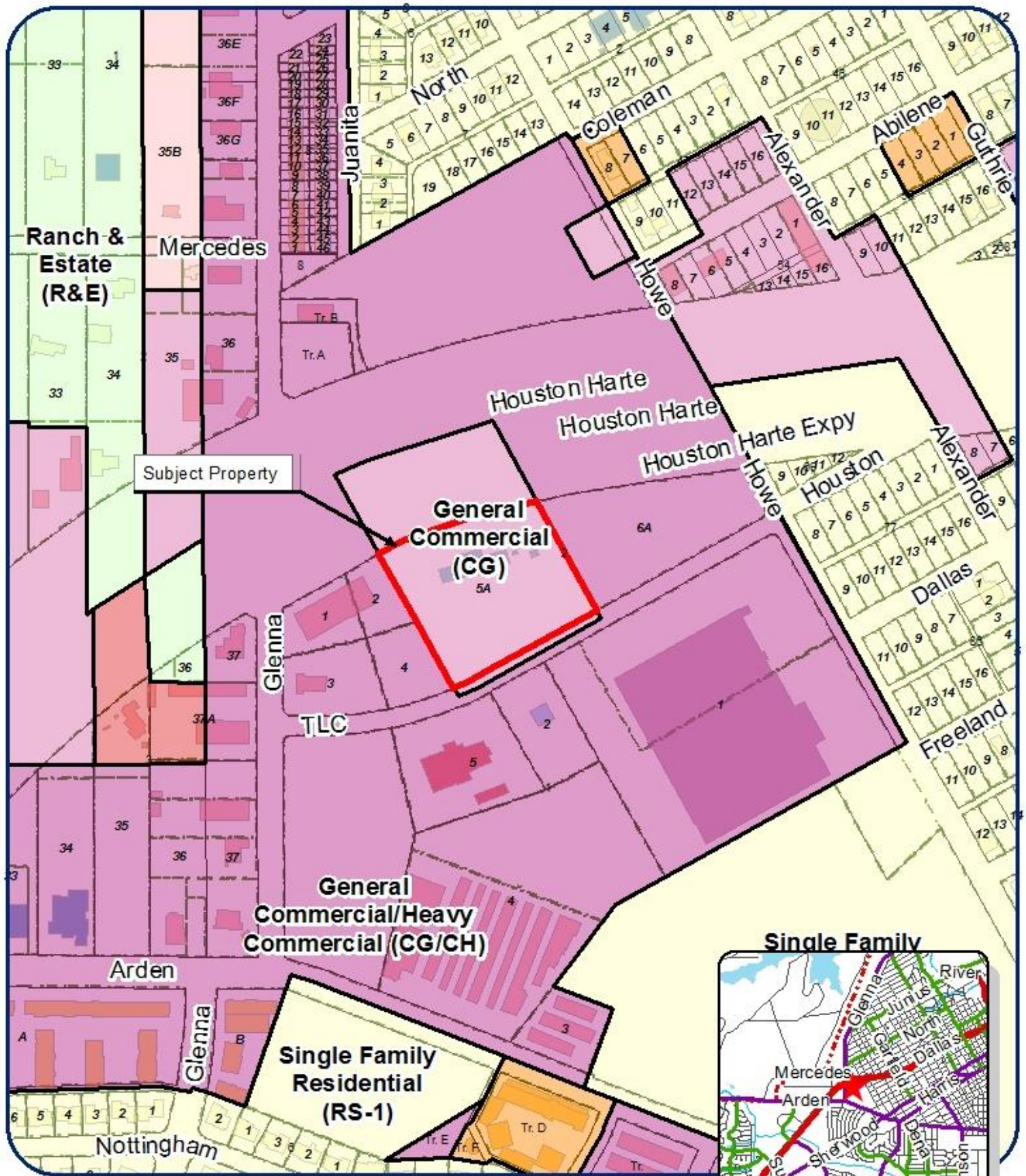
Case SU14-06

Council District: Elizabeth Grindstaff (CMD #5)
 Neighborhood: Bluffs
 Scale: 1" approx. = 325 ft
 Subject Property: 3553 Houston Harte Expressway

Legend

- Subject Properties: —
- Current Zoning: CG
- Requested Zoning Change: CG with Special Use
- Vision: Neighborhood Center





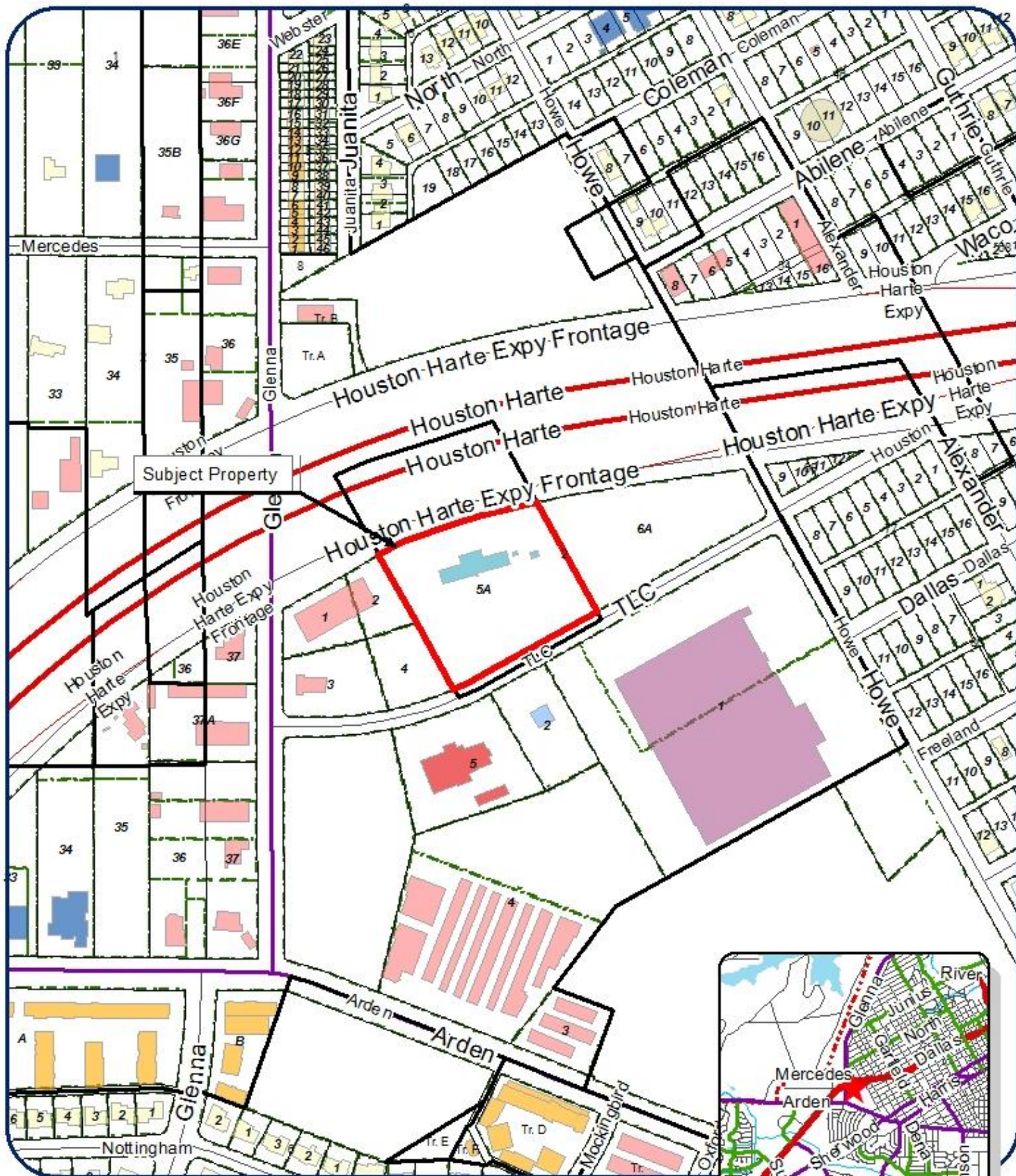
Special Use Case File
Case SU14-06

Council District: Elizabeth Grindstaff (CMD #5)
 Neighborhood: Bluffs
 Scale: 1" approx. = 325 ft
 Subject Property: 3553 Houston Harte Expressway

Legend

- Subject Properties: —
- Current Zoning: — CG
- Requested Zoning Change: — CG with Special Use
- Vision: — Neighborhood Center





Special Use Case File

Case SU14-06

Council District: Elizabeth Grindstaff (CMD #5)

Neighborhood: Bluffs

Scale: 1" approx. = 325 ft

Subject Property: 3553 Houston Harte Expressway

Legend

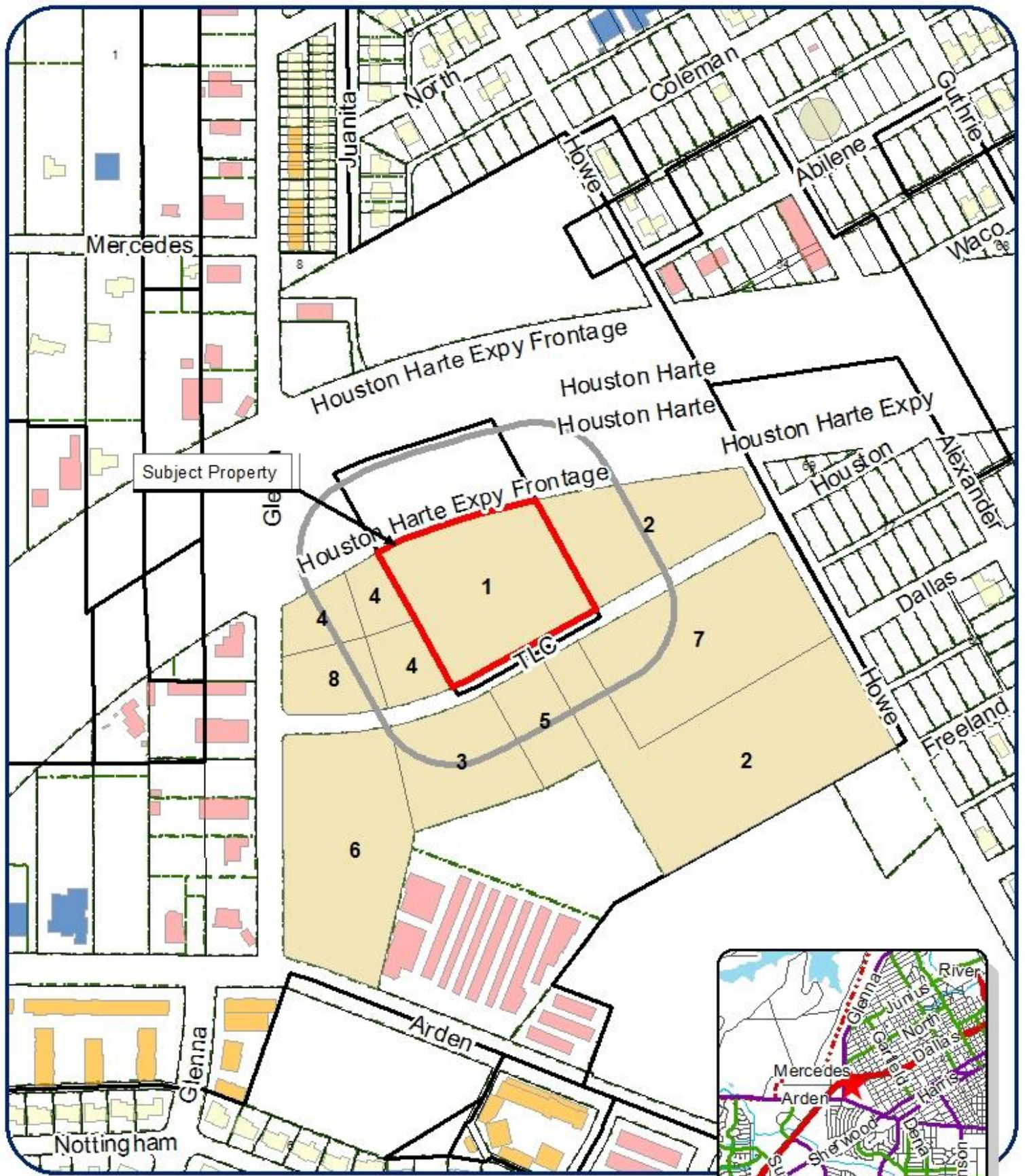
Subject Properties: —

Current Zoning: CG

Requested Zoning Change: CG with Special Use

Vision: Neighborhood Center





Special Use Case File

Case SU14-06

Council District: Elizabeth Grindstaff (CMD #5) Neighborhood: Bluffs
 Scale: 1" approx. = 325 ft
 Subject Property: 3553 Houston Harte Expressway

Legend

- Subject Properties: —
- Current Zoning: CG
- Requested Zoning Change: CG with Special Use
- Vision: Neighborhood Center



Photos

South at expansion area and TLC school



South at expansion area and H&E Building



South at front of property (existing building)



North (at Houston Harte Expressway)



West



East





ADACCV TREATMENT FACILITY
SAN ANGELO, TEXAS
 20,048 SQ. FT.
 3/6/2014

GARY DONALDSON ARCHITECTURE
 ARCHITECTURE - FACILITIES PLANNING
 949 TURNER STREET - SAN ANGELO, TX 76903

Proposed ADACCV Expansion Summary

	Existing	Expansion	Total
Gross Floor Area	7,510 sq. ft.	20, 048 sq. ft.	27, 558 sq. ft.
Uses	Offices, counseling, Prevention, outpatient, NO residential (includes some parolees)	Same as existing plus Residential Accommodation (includes some parolees)	
Employees	20	22	42
Clients (non-residential)	37	0	37
Clients (residential)	0	60	60
# parolees	1-3	1-3	2-6
Parking required	Use convalescent home standard – maximum # of employees <u>at one time</u> on site 8am-5pm For employees use “doctor” 1/doctor as assumed each employee with drive		
Parking required (Employees)	20 spaces (1/employee)	16 spaces (1/employee)	36 spaces
Parking required (Residents)	0	15 spaces (1/4 beds)	15 spaces
Total Parking Required	20 spaces	31 spaces	51 spaces
Total Parking Provided	38 spaces	32 spaces (as shown on site plan)	70 spaces

Preliminary Lighting Samples



City of San Angelo, Texas - Planning Division
Application for Approval of a SPECIAL USE

Name of Applicant(s): Alcohol & Drug Abuse Council for the Concho Valley

Owner Representative (Affidavit required)

Mailing Address: P.O. Box 3805 Telephone: 325-224-3481

City/State/Zip: San Angelo, TX 76902 Fax/other: 325-224-4923

Contact Email Address: eas@adaccv.org

Subject Property Address and/or Location*:
3553 Houston Harte, San Angelo, Texas

Legal Description*:

Lot:5A being 3.5 acres. Section 2, 1st.R/PO, Block 2, Subdivision: Houston Harte Commercial Park City of San Angelo,
Tom Green County, Texas (Deed Volume:607, Deed Page:674, Deed Date: 10/30/1997)

Lot Size: 3.5 acres Zoning: Commercial General

Existing Use of Property: Outpatient Substance Abuse Counseling/ Prevention/Offices

Proposed Use of Property: Outpatient/Residential Substance Abuse Counseling/Prev./Offices

Proposed Special Use (from Art. 309): Allow parolees to participate in treatment at 3553 Houston Harte

* use attachment, if necessary

I/We the undersigned acknowledge that the information provided above is true and correct, and have read the statements below.


Signature

November 14, 2014
Date

1. If approved, a **Special Use** is applied to the property, not the property owner.
2. The Planning Commission makes the final decision on Special Use requests; appeals may be directed to City Council.
3. Approval of this Special Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
4. If a permit is not sought within one year of the approval date of this Special Use, it will expire and requires another application.

I understand that this Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria **based on my explanation(s)** below:

- **Impacts Minimized.** Whether and the extent to which the proposed special use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: All services are provided inside the facility - no exterior adverse effects.

- **Consistent with Zoning Ordinance.** Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

Explanation: ADACCV began offering outpatient treatment at this address in 2000, after the building was completed.

Parolees have been participating in treatment in this location since that time.

- **Compatible with Surrounding Area.** Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.

Explanation: The building is in a General Commercial Zone and is compatible with existing and anticipated uses surrounding the subject land.

- **Effect on Natural Environment.** Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

Explanation: There will be no adverse impact on the natural environment.

- **Community Need.** Whether and the extent to which the proposed special use addresses a demonstrated community need.

Explanation: ADACCV addresses a significant community need by providing substance abuse prevention and treatment services to a diverse group of individuals and families.

including parolees and others.

- **Development Patterns.** Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

Explanation: This will not effect urban development in the community.

I wish to **appeal the denial** of the Commission to the City Council.

[Signature]
Signature

November 14, 2014
Date

OFFICE USE ONLY	
Case no.: <u>SU 14-06</u>	Date of application: <u>11/10/14</u>
Received by: <u>Jeff Fisher</u>	Date paid: <u>11/10/14</u>
Nonrefundable application fee (with deposit): <u>\$378.00</u>	Receipt No.: <u>247220</u>
River Corridor Commission? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	If yes, RCC meeting date: _____
Planning Commission hearing date: <u>12/25/14</u>	